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Attorneys for Defendants

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Johnny Wheatcroft and Anya Chapman, as
husband and wife, and on behalf of minors J.W.
and B.W.,

Plaintiffs,

v.

City of Glendale, a municipal entity; Matt
Schneider, in his official and individual
capacities; Mark Lindsey, in his official and
individual capacities; and Michael Fernandez, in
his official and individual capacities,

Defendants.

NO. 2:18-cv-02347-MTL

**DEFENDANT MICHAEL
FERNANDEZ'S NOTICE OF
INTERLOCUTORY APPEAL**

Notice is hereby given that Defendant Michael Fernandez appeals to the United States Court of Appeals for the Ninth Circuit from the Court's February 22, 2022 Order [Doc. #294] denying him qualified immunity, and all inextricably intertwined rulings therein. The Order denying Defendant's assertion of immunity is immediately appealable. *Ashcroft v. Iqbal*, 556 U.S. 662, 671-72 (2009); *Mitchell v. Forsyth*, 472 U.S. 511, 525-29 (1985).¹

¹ Defendant Fernandez notes that there is a pending Motion for Clarification and/or Reconsideration of the Court's Summary Judgment Order before the Court. [See Doc. 299]. Unfortunately, this does not appear to be a time extending motion for purposes of filing an interlocutory notice of appeal. See FRAP 4(a)(1)(A), (a)(3), (a)(4). Therefore, Defendant Fernandez files the instant notice of appeal out of an abundance of caution to preserve his appellate rights in the event his motion for reconsideration is denied. However, Defendant Fernandez does not intend for his notice of appeal to deprive this Court of jurisdiction to

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2 DATED this 23rd day of March 2022.

3 JONES, SKELTON & HOCHULI, P.L.C.

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5 By /s/ Justin M. Ackerman

6 Joseph J. Popolizio

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10 Attorneys for Defendants

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CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of March 2022, I caused the foregoing document to be filed electronically with the Clerk of Court through the CM/ECF System for filing; and served on counsel of record via the Court's CM/ECF system.

/s/ Karen Gawel

decide his pending motion for clarification/reconsideration, as the granting of which may moot any need for any appellate review in this matter.